

## **REMARKS/ARGUMENTS**

The rejections presented in the Office Action dated November 16, 2007 (hereinafter Office Action) have been considered. Claims 1-10, 12-29, and 31-41 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claim 40 is rejected based on 35 U.S.C. §101 because the claim is allegedly directed to non-statutory subject matter. Applicants respectfully traverse the rejections. According to the Office Action, Claim 40 “is a means-plus-function claim and as such can be implemented in software alone (specification, ¶ 87). As such, the ‘system’ is merely an interrelationship of software components, and is merely software, per se and fails to establish a statutory category of invention.” (Office Action, page 2). Applicants respectfully disagree. The specification states at paragraph 87 that “[h]ardware, firmware, software or a combination thereof may be used to perform the various functions and operations described herein.” Nowhere have the Applicants stated or suggested that systems may be merely an interrelationship of software components.

According to 35 U.S.C. 112, sixth paragraph, a claim limitation expressed in means-plus-function language “shall be construed to cover the corresponding structure described in the specification and equivalents thereof.” Thus the Examiners contention that, for example, means for determining a multimedia capability of the multimedia device, can be accomplished using “merely software, per se”, can not based on a reasonable interpretation of any structures described in the specification and equivalents thereof. For example, paragraph 87 of the Specification also states “[f]rom the description provided herein, those skilled in the art will be readily able to combine software created as described with appropriate general purpose or special purpose computer hardware to create a distributed-computation system, apparatus, and method in accordance with the present invention.”

The Specification describes using software to perform the various functions and operations, but the Specification does not describe any structure performing these functions where such structure is, in and of itself, a non-statutory class of invention. For example, the

Examiner has not shown or alleged that the system described in Claim 40 can be construed, in view of the Specification, as being directed to a well-known non-statutory category such as an abstract idea, law of nature, natural phenomenon, or transitory propagating signal. Applicants submit that the system described Claim 40 is directed to at least one of a process, machine, manufacture, or composition of matter, and thus is directed to statutory subject matter.

Withdrawal of the rejection is therefore respectfully requested.

Claims 1, 2, 7, 9, 10, 14, 15, 20-23, 27-29, 33, 34 and 38-41 are rejected based on 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2002/0132608 by Shinohara (hereinafter "Shinohara"). Applicants respectfully traverse the rejections, but in order to facilitate prosecution of the application and in a bona fide attempt to advance the application to allowance, the Applicants present this response with amendment.

Particular claims have been amended to at least set forth that multimedia capabilities of a multimedia device are determined via a UPnP network. For example, in Claim 1, a description of the multimedia capabilities of the multimedia device is used to form an adapted profile that is associated with a communications device. The adapted profile is then stored on a mobile communications network, where it is accessed for purposes of formatting multimedia data that is targeted for the communications device. The multimedia data is then sent to the multimedia device via the communications device. These amendments are fully supported in the Application as filed (e.g., Specification, 0064) and therefore no new matter has been added.

In view of these amendments Applicants submit that the rejections of Claims 1, 2, 7, 9, 10, 14, 15, 20-23, 27-29, 33, 34 and 38-41 are now moot. As recognized in the Office Action, Shinohara does not explicitly disclose the actual protocols or formats used to transfer data between Shinohara's mobile telephone and the terminal device (Office Action, page 8). In addition to the above rejections under 35 U.S.C. § 102, Claims 8 and 19 were rejected based on 35 U.S.C. §103(a) as being unpatentable over Shinohara, and Claims 3-6, 16-18, 24-26 and 35-37 were rejected based on 35 U.S.C. §103(a) as being unpatentable over Shinohara in view of U.S. Publication No. 2002/0114278 by Coussement (hereinafter "Coussement"). Applicants submit that the rejection of these claims is also moot, as neither Shinohara alone

nor in combination with Coussement was relied upon to show determining device capabilities via a UPnP network..

Claims 11-13 and 30-32 are rejected based on 35 U.S.C. §103(a) as being unpatentable over Shinohara in view of U.S. Publication No. 2003/0126239 by Hwang (hereinafter “Hwang”). Applicants respectfully traverse the rejection, and note that some aspects of now canceled Claims 11 and 30 have been incorporated into independent Claims 1, 14, 22, 33, 40, and 41. Without acquiescing to these rejections, Applicants respectfully submit that independent Claims 1, 14, 22, 33, 40, and 41, as amended, are allowable over the combination of Shinohara and Hwang.

Shinohara shows data stored in an MMS database that indicates processing abilities of a mobile terminals 10<sub>1</sub>, 10<sub>2</sub> and terminals 20<sub>1</sub>, 20<sub>2</sub> that receive multimedia data from mobile terminals 10<sub>1</sub>, 10<sub>2</sub>. (Shinohara, 0037-0040). However, Shinohara is silent as to any details of how the mobile terminals 10<sub>1</sub>, 10<sub>2</sub> and terminals 20<sub>1</sub>, 20<sub>2</sub> exchange data, merely describing the mobile terminals as having interface 76 that “performs transmission and reception of data with external terminals 20<sub>1</sub> - 20<sub>4</sub>” and the external terminals as having interface 81 that “perform connections with mobile telephones 10<sub>1</sub> - 10<sub>4</sub>.” (Shinohara, 0054-0056).

In contrast to Shinohara, Hwang describes “a mobile communication terminal having an UPnP control point and a gateway.” (Hwang, 0027). Hwang describes receiving a device description of a digital television at the mobile terminal (Hwang, 0045) but this data is only used for conventional operation as a UPnP control point (e.g., Hwang, 0048). Therefore, the combination of Shinohara and Hwang fail to correspond to the invention as set forth in independent Claims 1, 14, 22, 33, 40, and 41, because such a combination fails to describe determining multimedia capabilities using UPnP and then using that capabilities data to adapt a profile that is stored on a mobile communications network. Shinohara fails to teach or suggest any mechanisms that could be used to determine multimedia capabilities of terminals 20<sub>1</sub>, 20<sub>2</sub>, and Hwang only suggests UPnP-specific uses for the multimedia data gathered via UPnP, such as use in a UPnP control point.

As such, the combination of Shinohara and Hwang fail to teach or suggest all of the limitations of independent Claims 1, 14, 22, 33, 40, and 41 because the combination fails to

teach or suggest using UPnP data to adapt profile data of a mobile services network. Shinohara fails to teach or suggest any need for converting or adapting between differing network data formats. On the contrary, Shinohara does not even teach or suggest mobile terminals 10<sub>1</sub>, 10<sub>2</sub> and terminals 20<sub>1</sub>, 20<sub>2</sub> are coupled via a network. Hwang also fails to describe the need to adapt or convert any UPnP profile data to profiles of an external network, because Hwang is describing interactions that occur entirely within the UPnP domain. Applicants respectfully submit that at least this shortcoming prevents maintaining a prima facie obviousness rejection based on this combination of Shinohara and Hwang.

Claims 2-10, 12, 13, 15-21, 23-29, 31, 32, and 34-39 depend respectively from independent Claims 1, 14, 22, and 33. While not acquiescing with any particular rejections to these dependent claims, it is believed that these rejections are now moot in view of the remarks made in connection with independent Claims 1, 14, 22, and 33. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-10, 12, 13, 15-21, 23-29, 31, 32, and 34-39 are also allowable over the combination of Shinohara and Hwang.

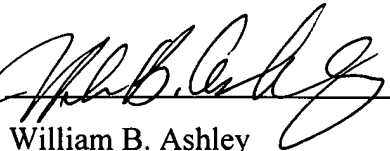
Authorization is given to charge Deposit Account No. 50-3581 (NOKM.095PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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